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MANAGEMENT OF A SMALL LAW LIBRARY.*

By

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Originally the subject given was "What can the larger law libraries do to help the smaller?" This proved a subject difficult to handle at length, for in a few words the answer is "kind and intelligent advice." The subject was changed to the one now under consideration because the librarian of the small library is often inexperienced and puzzled by the many problems of daily occurrence and the most needed advice is as to the management of a small library.

As many of you know, eight questions in regard to this matter were sent to librarians of both small and large law libraries in all parts of the country. These questions concerned size of library, duplication of material, classification, cataloguing, selection of books, indexing, and circulating. It seemed best to take these questions one by one and answer each by a compilation of the answers received, thus making a composite answer which would represent the concensus of opinion of many experienced librarians.

First let us consider, however, if there are not other ways, beside intelligent advice, in which the larger libraries can help the smaller.

A few of the suggestions received are as follows:

Could there not be close co-operation between the state library and the county libraries? They both serve the same purpose, namely: to furnish the law to the legislature, the bench, the bar, and to the different state and municipal departments. The state library might help the small law libraries by lending them books upon request. There should be uniformity of classification and cataloguing, so that it would be possible for the state library to issue duplicate catalogue cards for the county libraries, as the Library of Congress does. By combining, it might be possible to buy books at a lower rate.

It is easier for law libraries to co-operate more effectively than others, because, though localities differ, their work is similar in character. Large libraries should take the lead and give the smaller ones the benefit of the expert work done by their trained corps of workers; for instance, the digesting of the advanced opinions of the court of last resort, indexing of magazine articles (unless continued by the American Association of Law Libraries), attorneys-general opinions, etc. These are mere suggestions for your consideration.

Now let us take up the direct questions in regard to "The Management of a Small Law Library."

One of your number has said: "It is impossible to lay down any hard and fast rules to serve as a guide for the management of a small law library. The individual library must be governed by its peculiar wants."

* NOTE: This is the same article which appeared in vol. 1, Law Library Journal, p. 56, with some additions and revisions.

Must not the librarian keep two things always in mind? *First*, the mountain-top vision, the broad view of the ultimate purpose of the library and its development along lines which most perfectly fulfill that purpose. *Second*, the valley's detailed view, which is the urgent need of the moment, the effective administration of daily routine work.

QUESTION I. *How is a law library to be kept small, so as not to become too big and consequently to lose its usefulness and convenience?*

The general opinion seems to be that the only limitations for any library, large or small, are funds and stack room. But, aside from where this matter is settled by lack of funds, is this a wise conclusion? Does increased size always mean increased usefulness? Is not an intelligent selection of books, even though it leaves the library smaller, far better than to buy all that are in the market? It is not necessary to furnish the material for every citation to all sets of books published, for no one but a lazy lawyer needs this. Is it not more effective to have the necessary books near at hand, than for the reader to be obliged to go to distant stacks to find what he seeks? An eminent judge has said that it might be more elegant to send for a page to get his books, but he preferred to do his work in a good small law library conveniently arranged, because he could step to a near-by shelf, help himself to the needed volume, and thus continue his work without breaking continuity of thought.

To accomplish this good selection requires judgment and courage, for it is always easier to buy than to select. One method of decreasing size is to leave out duplicate material, voluminous digests and unnecessary reports, and the small law library need not go into old statutes and session laws, unless it is far distant from a large one. To keep a library within reasonable bounds is even now a hard problem, with its increasingly long list of continuations. If already a difficult question, what will it be fifty years from now?

QUESTION I. (a). *Can duplicate material be avoided?*

Many valuable suggestions were made. Here are a few of them:

1. By trading duplicates.
2. By purchasing only the books local demands necessitate, having the future in mind.
3. New editions of text-books are not always of value, as sometimes there is little in them that is really new or worth while.
4. By buying few selected cases. According to general opinion the best of these is the Lawyers' Reports Annotated.
5. Knowledge of how to use books already in library reveals the futility of duplicate material.
6. A state librarian writes of the reporter system as follows: It "is simple duplication without notes, but is a very important factor in presenting an up-to-date line of all the decisions of the country; while it is giving to us these decisions in advance of the official reports, it is of inestimable value. As the reports come out it rotates itself into a simple duplication of matter. Many small libraries overcome this by simply taking the advance sheets and destroying them, thereby overcoming the tax of carrying the bound sets; others by taking the whole system and allowing it to take the place of the official reports."

(b). *Poorly made books, those written for money, and not from legal experience.*

Someone has said that all law books are written for money. In a measure this is true; even Scott's novels were so written. Notwithstanding, must not a law book, to be of value, be based on skilled and extensive legal experience? Responsibility for avoiding books not so written rests on the buying committee, or librarian.

QUESTION II. *How is the catalogue to be kept simple, so simple that it will guide even the uninitiated directly to the knowledge he seeks?*

The consensus of opinion is: The library should have a card catalogue on the dictionary plan, authors and subjects in one alphabet. The card itself should be as simple as possible. Make as many cards or cross-references as there are avenues of approach. To quote: "A good rule is to catalogue for the veriest blockhead to be imagined; a bright fellow will have no difficulty in finding what he seeks if it is there at all."

To guide the seeker directly to the knowledge sought, the catalogue must include all the subjects the books treat of. It must rest on a logical arrangement of those books and point directly to that arrangement, so that our "blockhead" cannot miss the subject and will be guided directly to the shelf on which the book rests.

QUESTION III. (a-c). *How should the small law library be guided in the selection of books?*

- (a) *What class of them is necessary and not merely unobjectionable?*
- (b) *What ones will continue useful?*
- (c) *What ones is it wiser to secure at once and what leave to a future need to determine?*

Several say: Consult the catalogues of prominent law libraries, the reviews in legal magazines, specialists in the different departments of law, and consider the demands of patrons. The undisputed opinion is: Every small library should be complete in regard to the reports, the digests, statutes and session laws of its own state; also the local text and practice books, one set of the United States reports, a selection of the best text-books, one set of selected cases, and a good law encyclopedia. Next, the reports of neighboring and important states, English law, and then, as funds permit, include the other states, a larger selection of text-books, periodicals, Canadian and colonial reports and some Roman law.

These are the books that must be had, and as someone has aptly put it: "The comfort of a book is, that it is the book you want."

QUESTION III (d-e).

- (d) *How strictly should "law books" be construed? Ought it to include, for instance, "Dicey's Law and Opinion, England, etc.," "Thayer's Legal Essays," biographies of eminent lawyers?*
- (e) *How far ought a small library to go into books styled "legal recreation" or collateral law books?*

As to works of the character named there is a diversity of opinion. Some consider them law books; others, beyond the pale; but all agree that the matter resolves itself into a question of funds, for it is business first and pleasure afterwards. As to the scope of a collection of "legal recreation," one would buy history and biography before philosophy, legal ethics, oratory, etc., but a few classics of this character

are vital, because they form the opinion which eventually makes the law. In the bar of every county are men of letters, and the library should have books for them as well as for the so-called practical lawyer.

Some libraries, otherwise entirely for reference, have a circulating department of works of this order, an innovation that so far seems to have proved successful. The idea is excellent, for in the hurry of the day's work, the busy lawyer has no time except for the pressing need of the moment, the State report or the text-book that must be found at once. The Public Library is not always convenient, and is apt to be deficient in works whose appeal is chiefly to the legal profession. In this department would go Pollock & Maitland's History of English Law, the Anglo American Legal History Essays, Campbell's Lives of the Chancellors, Sir Henry Sumner Maine's books, and the like.

Why is not a collection of this character an excellent thing? It is not only attractive but educational and should be of distinct advantage to a lawyer in widening his point of view and taking him out of the stereotype path of mere technical routine. Does not a careful reading of such books as Korkunov's Theory of the Law, Gray's Nature and Sources of the Law, Carter's Law: Its Origin, Growth and Function, impress upon an attorney that if we are to have laws that are beneficial and enduring they must be truly *found* before they can be declared or made into statutes? Do not such books reveal to him that he must not be content with merely acquiring a knowledge of the law as it is at the present moment, but that he ought to take deep root in the past as well as in the present, in order that he may find the true and permanent law and thus gain the power to influence for good all future customs, law and legislation?

The idea of having a special circulating department of collateral law books originated, we believe, in Hartford, Connecticut, where the Bar Library had in its treasury a fund of a thousand dollars which it could not spend for text-books, statutes or digests. In 1886 Aaron White, a fugitive from Dorr's Rebellion, who had settled in Connecticut, left by his will a thousand dollars to each county law library, for the purchase of books belonging chiefly to the class we now call "collateral" law books. The Hartford Bar Library being solely for reference, where books of this class would be little used, the money was allowed to lie until 1908, when it was decided to found the Aaron White Collection, made up of books of this class.

The usual misgivings were expressed, but the department was started with about one hundred and twenty titles, and was an immediate success. The lawyers have appreciated very much the privilege of taking such books to their homes for leisurely reading, and the collection has already made a permanent place for itself in the profession in that county, in fact has established itself in so short a time that it was evident it filled a real need.

This library was of course particularly fortunate in having a special fund to draw on, but there are few county libraries and probably no state libraries which do not have on their shelves enough books of this class to start such a collection, and an expenditure of twenty-five or fifty dollars a year would serve to keep it up to date. In fact, several county libraries have done this.

There are many libraries where Dicey's books, Thayer's Legal Essays, Hill's Lincoln the Lawyer, Sharswood's Ethics, Home & Headlam's Inns of Court, and Thorpe's Constitutional History of the U. S. are taken off the shelf only for the annual dusting because no attorney has time during the day to read them. They are a valuable part of the plant lying idle and represent an expenditure of money and shelf-room without any return.

In Hartford the collection is classified as follows:—Biography, Common law and English institutions, Conduct of cases and lawyer's work, England—Constitutional and political history, Foreign constitutions and governments, International law, Judicial history, Jurisprudence, Roman law, Trials, United States—Constitutional and political history. Public library rules as to borrowing books have been adopted, except that the comparatively small number of borrowers has made a very simple charging system possible. Although members of the Bar form a very large percentage of the borrowers, the collection is open to any resident of the county, and law students and debating clubs often find material there.

QUESTION IV. *What shall be done with old text-books?*

Again a diversity of opinion. Here are the two extremes:

1. "Old text-books might be put into the garret or the basement; lacking that, the most of them may be used for fuel or sold for waste paper."
2. "Bind them up nicely, place them in order with the newer editions and treat them most respectfully. They have made the new book what it is."

Some librarians, not keeping old editions, get credit for them when buying new. Others place them one side, and loan them to lawyers. Several retain them, "because old decisions often cite them and lawyers often have to verify citations to understand an opinion, or upon what the deciding judge then thought the consensus of judicial authorities to be." Historical reasons for keeping them are strong. "If you have no workers who care for the sources of things now, you will have them, or your successor will."

QUESTION V. *How far is it advisable to go into public documents?*

The unanimous answer is: Go into this department sparingly, for if a depository library is within reasonable distance, the greater comprehends the less, and to a lawyer they are not as a rule necessary except as they refer strictly to law matters, such as opinions of attorneys-general, interstate commerce commission reports, and reports of revisions of statutes, etc.

QUESTION VI. *How classify the books—by a Dewey or a Cutter's elaborate scheme, or a simple one of the librarian's own making?*

(a) *Arrange treatises by subjects or authors?*

With one exception, the opinion is that a library classifies itself, and a Dewey or Cutter's scheme is too elaborate. You are all unanimous in believing that the reports should be arranged in alphabetical order by states and then chronologically under each state. Some place the digests and laws at the end of the reports of their respective states; others put them by themselves. Which is the better arrangement of the digests and laws is a matter of habit.

The controversy over treatises is an old story. The weight of opinion is decidedly for the author arrangement, with an earnest minority for subjects. Here are the two points of view: "The arrangement of text-books I have always held must, if handled successfully, be by authors. There is no other arrangement which will stand the test and come out unscathed." One of the minority, who was totally ignorant of law and law work, was called upon to classify a law library, and says: "Because of my ignorance I devoted the first six months to studying the lawyers, instead of the text-books, and found to my surprise eight-tenths of the practicing

attorneys asked for them by subjects. Therefore I made a simple shelf classification by subjects, which has been copied by other libraries and complimented by the lawyers."

(b) *How classify and catalogue the English law?*

The answers of the majority as to classification are vague. Five said: Arrange reports in alphabetical order by name of author up to 1865, when the Law Reports begin. One says: Arrange by courts and in chronological order under each court. Another: Place them by courts in alphabetical order, and the name of reports also in alphabetical order, under each court. Three methods—but the consensus of opinion seems to be: "I do not know."

QUESTION VII. *Is it wise to go extensively into statute law?*

We are all agreed in thinking that a small library should have a complete set of its own statutory law and of the United States. "It would also be desirable to include the general statutes of neighboring states" and of other states as funds and room permit.

QUESTION VIII. *How about indexes? Should they be numerous, keeping the statute and case law of one's own state perfectly to date, or is it better for a small library not to undertake this?*

This indexing refers to the digesting of advanced material, and must be done by the librarian. This is more a question of the time, inclination and ability of the librarian, than of the size of the library. Anything that can be afforded and the librarian can accomplish to make the library a more efficient working tool is worth while, and should be done. To quote again: "It is a modern convenience much appreciated by the court and bar and is a very desirable institution, regardless of the size of the library." "A library which cannot tell a lawyer or any citizen what the law of the state is today, not day before yesterday or last year, is not much good."

QUESTION IX. *Circulating of law books. Can this be done without interfering with the use of the law books by the court?*

Worcester County Law Library of Massachusetts says "Yes," and lends her books all over that large county. Others believe that the principal use is for the court, and if the books were lent, then in the midst of a trial, when there came a hurry call for a volume, it could not be found on the shelf, because it was at that moment in some lawyer's home, possibly outside the Shire town and thus beyond the reach of the court messenger. Consequence: The court must go without that book in its moment of need. On the other hand, a lawyer often wishes to study a book in the evening when preparing a case, and when the books are not circulated he is confined to the hours when the library is open, and loses much valuable time. Each small library must decide this question for itself along the lines which will make its library most useful.

Lastly, a detail of administration: Make your library attractive as well as useful. Consider the comfort of your patrons—good pens, clean blotters, well-filled inkstands, good light, comfortable chairs, dustless tables and quiet room. If possible, have artistic furnishings. Though these things seem trivial, they do away

with irritation and lead to peace of mind, and if not often consciously appreciated, nevertheless they are not without their subconscious effect.

This is composite opinion of practical management of a small law library, which we leave with you for the expression of your individual opinion, and thank you for your kind co-operation.

AMERICAN ASSOCIATION OF LAW LIBRARIES.

EXECUTIVE COMMITTEE MEETING.

The meeting of the Executive Committee of the American Association of Law Libraries was held at Cleveland, Dec. 27 and 28, 1909, Messrs. Feazel, King and Poole being present. Mr. Hewitt of Philadelphia also planned to be present, but was prevented by the severe storm which blocked the railroads. Mr. King held Mr. Glasier's proxy.

The following is a short statement of the subjects discussed and business transacted at the meeting:

The statement of the Secretary-Treasurer showing a balance on Dec. 24th of \$175.55 was read and approved, as was also the reports of the Managing Editor and the Business Manager.

Mr. Steinmetz's bill for commissions as Business Manager (in connection with vol. 1 of the Index) was approved at \$262.65, and the Secretary-Treasurer directed to pay the balance due, \$112.65, as soon as possible.

The Secretary-Treasurer was instructed to inform the Managing Editor that in the opinion of the committee it seemed advisable to index legal articles in general magazines, indexing only such articles as would be of real value to a lawyer.

Taking up the report of the Business Manager, it was voted to authorize the insertion in the Harvard Law Review of an advertisement of the INDEX TO LEGAL PERIODICALS and LAW LIBRARY JOURNAL; that the insertion in the INDEX of advertisements of lawyers was advisable under certain terms suggested by the Business Manager. The sale of cumulative numbers at \$3.00 each after such numbers are a year old, was authorized, and the Business Manager was directed to offer to new subscribers for vol. 3, the cumulative numbers of vols. 1 and 2, for \$4.00. A suggestion of Mr. Butler's, with reference to sending letters regarding the INDEX to large law firms, was approved.

Taking up the matters suggested by the Managing Editor in his report, it was moved and ordered as follows:

(1) That the author index be placed after the subject index; (2) that the form of the author index be left to the discretion of the Managing Editor; (3) that the addresses of the magazines be included in the list of periodicals indexed, the city and state of publication only to be given; (4) that the practice of including book reviews be continued until the next annual meeting, but that the entries be somewhat consolidated; (5) that Mr. Steinmetz be engaged as Indexer for the year 1910, at a salary of \$400; (6) that in the opinion of the Committee it is necessary to copyright only the annual or cumulative numbers; (7) that it is inadvisable to contribute to help the Wilson Company obtain second class rating, because the Association's publication has not yet been passed upon by the Post Office Department, and contains a magazine feature which places it on a slightly different footing from Wilson's.

The committee tendered a vote of thanks to the Managing Editor, Business Manager and Indexer.

The time, place and program for the annual meeting was placed in the hands of the President, subject to such recommendations as the Executive Committee might make from time to time. The program for the meeting was discussed and a number of letters from members read, making suggestions. It was voted to take up only one subject at a session, so far as possible, and to allow as much time at each session as possible for informal discussion of the papers read.

It was tentatively decided to take up at the annual meeting the following subjects:

(1) How to build up a foreign law collection; (2) to what extent should our law libraries purchase foreign statutes; (3) equipment, arrangement, etc., of rooms or buildings for law libraries; (4) the aid reasonably to be expected by users of a law library from the library staff; (5) special research work in law libraries, particularly in such libraries as are called upon to give information to public officials, such as legislators, municipal officials, etc., and to lawyers interested in the intra- and interstate affairs of corporations; (6) recent experiences in cataloguing; (7) loaning of law books; (8) increase of legislation.

It was decided also to secure papers, if possible, on the Ohio Reports and the Pennsylvania Reports, and on certain other matters which it was thought might be of interest.

ANNUAL MEETING, AMERICAN ASSOCIATION OF LAW LIBRARIES, 1910.

As previously announced the annual meeting of 1910 will be held at Mackinac Island, Mich. This session will fall within the week June 30—July 6 probably beginning on July 1. The headquarters will be at the Grand Hotel which will open on June 30 to accomodate the members of this Association and the American Library Association with which body we meet as is customary.

Parties will be organized to travel from New England, the North Atlantic States, Chicago and the region south of Chicago. Whenever possible, a feature of the travel will be a lake trip.

The Grand Hotel has a capacity of not less than 800. The maximum rates, one in a room, with bath, are \$3.50 per day. The minimum rates, without bath, \$2.50 per day. In all rooms where there are two persons, separate beds will be furnished when requested. In all, there are 435 rooms, of which 200 have baths. Members who wish to remain at the Grand Hotel after the conference can do so at the rate given them during the conference.

A post-conference trip of a week will be planned, covering probably a portion of Georgian Bay, and some part of the Ontario Lake regions. All rates and details will be announced later.

It is advisable that members wishing to attend should communicate with the Secretary-Treasurer at the earliest possible moment, stating accommodation desired.

All who are not members may travel with the parties, secure the hotel rates, etc., by joining the Association. The dues are \$2 a year.

The program is somewhat tentative at present, but unless the unexpected hap-

pens, the following-mentioned subjects will be taken up, the plan being to complete the consideration of one matter before taking up another:

How to build up a foreign law collection.

To what extent should our law libraries purchase foreign statutes?

Equipment, arrangement, etc., of rooms or buildings for law libraries.

The aid reasonably to be expected by users of a law library from the library staff.

Special research work in law libraries, particularly in such libraries as are called upon to give information to public officials, legislators, municipal officers, etc., and to lawyers interested in corporation matters.

Recent experiences in cataloguing.

Loaning of law books.

Increase in legislation.

Ohio Reports.

Pennsylvania Reports.

It is expected that other matters will be touched upon also.

It is planned to have the papers present the result of actual experience along the lines indicated, and it is expected that the occasion will encourage many others, in addition to those named in the program, to state what they have done.

Members to whom of course prompt information as to specific plans will be sent, are urged to inform the Secretary-Treasurer of persons not members who might be interested.

Franklin O. Poole, Secretary-Treasurer,
42 West 44th St., New York, N. Y.